



PATENT

K. Ward  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Adam Stanislaw Wyszynski  
 Serial No.: 08/579,072  
 Filed: December 22, 1995  
 Art Unit: 2744  
 Examiner: Nay Maung  
 For: SIGNAL-TO-NOISE OPTIMIZED FULLY MONOLITHIC VIDEO RECEIVER IF CHANNEL

**Assistant Commissioner for Patents  
Washington, D.C. 20231**

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MAURIE KATON

*Maurie Katon*

Signature

October 1, 1999

Date

**ATTENTION: Board of Patent Appeals and Interferences****REPLY BRIEF**

This brief is submitted in response to the Examiner's Answer mailed August 02, 1999.

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A proposed Amendment is being filed herewith in which claims 1-12 are canceled, claims 13 and 18 are amended, and new claims 22-27 are added. The claim amendments are substantially similar to Appellant's Amendment After Final Rejection, which was filed April 28, 1998. Appellant submits that the enclosed Amendment places the claims in condition for allowance and respectfully requests that the Board remand the Amendment for consideration by the Examiner.

**II. Request for Oral Hearing**

A Request for Oral Hearing under 37 C.F.R. § 1.194(b) and a Request for Telephone Hearing under M.P.E.P. § 1209 are also being filed herewith.

**III. Reply to Examiner's Answer**

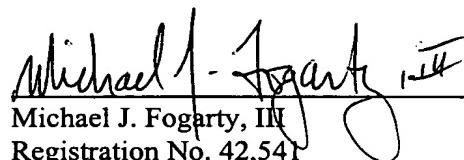
Rather than repeat the arguments made in the previously submitted Amendment, Amendment After Final Rejection and Appeal Brief, Appellant incorporates those arguments by reference herein and simply summarizes Appellant's position on the central issues that have been identified in this case.

1. The Umezawa reference does not teach or suggest any functional structure, circuit or operation related to processing of a video signal or any other signal. The mere mention of a capability to provide "a vocal communication or a visual communication" is not sufficient to teach one skilled in the art how to modify the Yamamoto reference in order to process video signals. Therefore, the Yamamoto and Umezawa references have been improperly combined under 35 U.S.C. § 103(a) to provide the elements of appealed claims 1-12 (or claims 23 and 25 in the Amendment filed herewith).
  
2. The Kaschke reference does not teach or suggest a monolithic circuit or a single integrated substrate. Instead, Kaschke teaches the use of surface mount components on a printed circuit board. A printed circuit board is not a single integrated circuit substrate and Kaschke does not teach how to convert the disclosed printed circuit board into a single integrated substrate or monolithic circuit. Therefore, the Yamamoto and Kaschke references have been improperly combined under 35 U.S.C. § 103(a) to provide the elements of appealed claims 13-22 (or claims 13-27 in the Amendment filed herewith).

3. The Yamamoto reference does not teach or suggest that the output signal level of a variable gain amplifier corresponds to the maximum input level acceptable by a filter. Instead, Yamamoto teaches that an amplifier is a level control means without specifying what "level" is being controlled. The Yamamoto reference does not disclose whether the amplifier is amplifying by a certain level or to a certain level. Yamamoto also fails to disclose how the level is selected or what reference signal level is being used. Furthermore, there is no teaching or suggestion that the amplifier selects a level to minimize distortion. Therefore, the Yamamoto reference has been improperly modified under 35 U.S.C. § 103(a) to provide the elements of appealed claims 6, 12 and 19 (or claims 19, 22, 24, 26 and 27 of the Amendment filed herewith).
4. A band pass filter is not a low pass filter and they do not have the same characteristics. One skilled in the art would not substitute one type of circuit element for another without some teaching or suggestion to make the substitution. Appellant submits that the teaching or suggestion to substitute a low pass filter for a band pass filter must have some technical basis. Even if there are non technical advantages to making a modification, such as lowering costs, there must be some teaching or suggestion that the modification is technically possible and practicable and that it will not adversely affect the circuit. No such technical basis has been shown in the cited partial dictionary definitions. One skilled in the art would not replace the band pass filter of Yamamoto with a low pass filter simply based on a non-technical motivation. Therefore, the Yamamoto reference has been improperly modified under 35 U.S.C. § 103(a) to provide the elements of appealed claims 14 and 19.

In view of the above-indicated problems in the cited prior art, Appellant submits that the claims pending in the current Appeal (as well as those claims submitted in the enclosed Amendment) are patentable under 35 U.S.C. § 103(a) and should be passed to issue.

Respectfully submitted,



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Registration No. 42,541  
Counsel for Applicant

Date: 10/1/99

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Serial No.:  
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Art Unit:  
Examiner:  
For:

Adam Stanislaw Wyszynski

08/579,072

December 22, 1995

2744

Nay Maung

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MONOLITHIC VIDEO RECEIVER IF CHANNEL

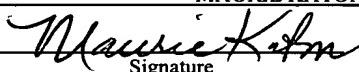
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MAURIE KATON

  
Signature

October 1, 1999  
Date

**ATTENTION: Board of Patent Appeals and Interferences****TRANSMITTAL OF REPLY BRIEF AND  
REQUEST FOR ORAL HEARING**

- Transmitted herewith, in triplicate, is a REPLY BRIEF and a REQUEST FOR ORAL HEARING in the appeal of this application, in response to the Examiner's Brief mailed August 2, 1999.

**2. STATUS OF APPLICANT**

This application is on behalf of other than a small entity.

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**3. FEE FOR FILING REQUEST FOR ORAL HEARING**

The \$260.00 fee for filing the Request for Oral Hearing as set forth in 37 C.F.R. § 1.17(d) is addressed in the enclosed REQUEST FOR ORAL HEARING.

**4. EXTENSION OF TERM**

A request for Extension of Term is not required.

**5. TOTAL FEE DUE**

The total fee due is:

Request for Oral Hearing	\$ 260.00
Extension fee (if any)	\$ <u>0.00</u>
<b>TOTAL FEE DUE</b>	<b>\$ 260.00</b>

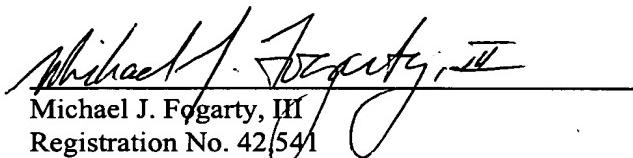
**6. FEE PAYMENT**

Check in the sum of \$ 260.00 is attached.

**7. FEE DEFICIENCY**

If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 06-2380. If any additional fee for claims is required, charge Account No. 06-2380.

Respectfully submitted,



\_\_\_\_\_  
Michael J. Fogarty, III  
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Counsel for Applicant

Date: 10/1/99

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